

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1162 OF 2017

Ajay Ramdular Rajbhar

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Advait Sethna a/w Ms. Ruju Thakker a/w A.K.Roy i/b R.G. Shatalwar for the Applicant.

Ms. P.N. Dabholkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 24th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 319 of 2016 dated 23.10.2016 registered with Byculla Police Station, Mumbai under Section 302 of the Indian Penal Code.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

The name of the deceased is Dayal Rajbhar Thakur. The date and time of incident is 23.10.2016 between 11.30 p.m. to 11.50 p.m. It is the prosecution case in brief that, the Applicant and deceased Dayal Thakur used to consume liquor together. That, on the date of incident, after consuming liquor, there were certain altercations between them which ensued in a tiff. That the deceased

therefore bite the left index finger of the Applicant due to which the Applicant suffered bleeding injury along with avulsion of nails. That, the Applicant therefore, assaulted the deceased with a stone and also pressed his neck, due to which, the deceased died on the spot. The Applicant was immediately arrested on suspicion by the police and after completion of investigation, the police have submitted charge-sheet.

3 The record indicates that the evidence as against the Applicant is of last seen together coupled with the fact that the Applicant has received the aforesaid injury to his left index finger. The summary of the prosecution case itself indicates that, due to the said quarrel and injury caused by the deceased to the Applicant, the Applicant assaulted the deceased and thereafter, pressed his neck. Thus, prima facie it appears that Applicant has committed the present crime at the spur of the moment and due to the grave and sudden provocation caused by the deceased.

4 In view thereof, the Applicant can be released on bail.

Hence, the the following order:

i) The applicant be released on bail in C.R. No. 319 of 2016 dated 23.10.2016 registered with Byculla Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00

p.m.

- iii) The applicant shall also attend all the dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)